

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

In Re: Overby-Seawell Company
Customer Data Security Breach
Litigation

Case No. 1:23-md-03056-SDG

**CONSENT MOTION FOR EXTENSION OF TIME TO FILE
MOTION FOR PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT**

COMES NOW, Plaintiffs by and through the undersigned counsel, and hereby respectfully request the Court enter an Order granting a twenty-one (21) day extension of the deadline for filing their Motion for Preliminary Approval of Class Action Settlement (the “Motion for Preliminary Approval”). Defendants consent to Plaintiffs’ request for an extension of time.

In support of this consent motion, Plaintiffs show the Court as follows:

1. On December 12, 2023, the Plaintiffs and Defendants Overby-Seawell Company and KeyBank N.A. and KeyCorp (“KeyBank” and together “Defendants”) (collectively, the “Parties”) filed a Joint Status Report where the Parties informed the Court that they reached a class action settlement in principle. [ECF 123.] The Parties requested that the Court continue the stay entered in this matter, including any ruling on the

Defendants' Motions to Dismiss, while the Parties memorialize the terms of their settlement.

2. Plaintiffs requested 60 (sixty) days, or until February 9, 2024, to file a motion for preliminary approval of the class action settlement. [ECF 123.]
3. On December 13, 2024, the Court entered an Order extending the stay until further notice and directed the Parties to file a Motion for Preliminary Approval by February 9, 2024.
4. The Parties are working diligently to finalize the terms of the Settlement, including Plaintiffs' drafting of the Settlement Agreement and exhibits, including the form of Notices to Class Members, the Motion for Preliminary Approval of Class Action Settlement and supporting Memorandum and Exhibits.
5. The Parties have finalized all but a few details in the Term Sheet and request an additional twenty-one (21) days to finalize the terms, notices to class members and related exhibits to the Settlement Agreement and file the Motion for Preliminary Approval.
6. Pursuant to Fed. R. Civ. P. 6(b), Fed. R. Civ. P. 7(b), Local Rule 7.4, and the Court's Standing Order Regarding Civil Litigation, Section II.g, Plaintiffs respectfully request through March 1, 2024, to file Plaintiffs'

Motion for Preliminary Approval of Class Action Settlement, supporting memorandum, exhibits and the Settlement Agreement.

7. The Parties have worked diligently to agree to and finalize the terms of settlement and will resolve the last remaining open items.
8. The Parties will be prepared to finalize and submit the Settlement Agreement by March 1, 2024. Plaintiffs have a draft of the motion for preliminary approval and supporting memorandum. Each will be finalized as soon as the settlement agreement is finalized and signed.
9. Accordingly, Plaintiffs verify that this extension is not being sought for the purpose of delay. Instead, it is being sought to finalize the settlement agreement and finalize the preliminary approval filing with sufficient time to proofread and cite check the documents.
10. Counsel for Plaintiffs has communicated with Defendants' counsel, and Defendants' counsel has no opposition to the relief requested in this motion and consents to the extension of time for Plaintiffs to file their Motion for Preliminary Approval of Class Action Settlement, supporting Memorandum, Exhibits and the Settlement Agreement.

WHEREFORE, Plaintiffs respectfully request that this Court enter an Order allowing Plaintiffs a twenty-one (21) day extension up through and including March 1, 2024, to file their Motion for Preliminary Approval of Class Action Settlement,

supporting Memorandum, Exhibits and the Settlement Agreement. A Proposed Order is attached for the Court's consideration.

Dated: February 6, 2024.

Respectfully submitted,

/s/MaryBeth V. Gibson

MaryBeth V. Gibson

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*Interim Co-Lead Counsel for Plaintiffs and
the Putative Class*

CERTIFICATE OF SERVICE & COMPLIANCE

I hereby certify that on this date I served the **CONSENT MOTION FOR
EXTENSION OF TIME TO FILE MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION SETTLEMENT** *via* the CM/ECF system,

which will automatically provide email notification and service of such filing to counsel of record for all parties registered with the Court for electronic filing.

I further certify that the foregoing pleading has been prepared with Times New Roman, 14-point font, in compliance with L.R. 5.1B.

This 6th day of February, 2024.

/s/ MaryBeth V. Gibson
MARYBETH V. GIBSON